

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

THOMAS ALLEN CLARK,
Petitioner,
v.
ALICE PAYNE
Respondent.

Case No. C06-5015RJB

This habeas corpus petition has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636 (b)(1)(B) and Local Magistrates' Rules MJR 3 and MJR 4. Petitioner seeks federal habeas corpus relief pursuant to 28 U.S.C. § 2254. (Dkt. # 8). Petitioner originally named the State of Washington and Clark County as respondents. (Dkt. # 8). On March 2nd, 2006 the court entered an order to amend and to show cause as the action appears time barred. (Dkt. # 9). The order gave petitioner until April 7th, 2006 to comply.

On March 8th, 2006 the petitioner filed a motion asking for leave to amend. (Dkt. # 10 and 11). To the extent that the motion identifies the proper respondent as Alice Payne the motion is **GRANTED**.

**The clerk is directed to change the case caption to reflect Alice Payne as the
ORDER**

1 **respondent.**

2 To the extent that the motion asks for review of this case under state law, state rules
3 of criminal procedure, and state rules of appellate procedure, the motion is **DENIED**. This case has
4 been filed in federal court and the federal rules of procedure and federal law regarding habeas corpus
5 apply. The court extends the deadline for a response on the order to show cause until **April 28th,**
6 **2006**. In particular petitioner is directed to inform the court when he first filed for review in state
7 court. (Dkt. # 9).

8 The clerk is ordered to send copies of this order to the petitioner.

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10 DATED this 3rd day of April, 2006.

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Karen L. Strombom
United States Magistrate Judge

ORDER